REMARKS

Applicant provisionally elects, **with traverse**, Group I, claims 1-23.

The Office has characterized the relationship between Groups I and IIas process and apparatus for its practice. Citing MPEP §806.05(e), the Examiner states that claims in this relationship can be shown to be distinct if either of the following can be shown: (1) that the process as claimed can be practiced by another, materially different apparatus; or (2) that the apparatus as claimed can be used to practice another and materially different process. The Examiner goes on to state that, in the present application, the process as recited in the claims of Group II can be carried out without the storage container as recited in the claims of Group I, *i.e.*, by hand. Applicant submits that the reason offered by the Examiner is insufficient to support a conclusion of patentable distinctness between the restricted claims. The Examiner has provided no indication as to how performing the process "by hand" is materially different from using the claimed storage container to perform the process, in which case the process is arguably carried "by hand" in any event.

Moreover, **as claimed**, Claim a explicitly recites a storage container "for storage of samples for analysis..." using language that mirrors the process claims, e.g. see claim 24. In short, the storage container as recited in Claim 1 is specifically designed to carry out the process of the claims of Group II. If the storage container were used otherwise, it would not be the same kit **as claimed**.

Accordingly, because the Office has not carried the burden of providing technologically sound reasons or examples for concluding that the claims of the restricted groups are patentably distinct, the restriction requirement between Groups I and II is improper and should be withdrawn.

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